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THE

TRAVANCORE GOVERNMENT GAZETTE, EXTRAORDINARY

PUBLISHED BY AUTHORITY

WEDNESDAY, 24th MARCH 1948/11th MEENAM 1123.

THE TRAVANCORE INTERIM CONSTITUTION ACT, 1123.

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Act VI of 1123

THE TRAVANCORE INTERIM CONSTITUTION ACT, 1123.

PASSED BY HIS HIGHNESS THE MAHARAJA OF TRAVANCORE UNDER DATE THE 11TH MEENAM 1123 CORRESPONDING TO THE 24TH MARCH 1948.

Preamble.

WHEREAS by Our Proclamation dated the 19th Chingam 1123, a Representative Body has been constituted for considering and submitting to Us a draft for the revision or modification of the Constitution Act of 1122 with a view to the establishment of responsible Government in the State ;

AND WHEREAS the President of the Representative Body has communicated to Us their desire that We should pass an enactment of Interim Constitution providing for the establishment of responsible Government and investing the Representative Body for this purpose with the powers and functions of a Legislative Assembly until the Constitution Act is framed in pursuance of the Proclamation aforesaid and brought into force ;

WE are hereby pleased to enact as follows :—

Short title, commencement and duration.

1. (1) This Act may be called the Travancore Interim Constitution Act, 1123.

(2) It shall come into force at once.

(3) It shall remain in force until the new Constitution Act framed by the Representative Body comes into force.

Definition.

2. In this Act 'Our Government' means the Maharaja of Travancore exercising the executive authority of the Travancore State in accordance with the provisions of this Act.

PART I.

THE EXECUTIVE.

The executive authority of the State.

3. The executive authority of the Travancore State is vested in Us, and subject to the provisions of this Act, shall be exercised by Us on the advice of a Council of Ministers appointed by Us under this Act, except as to matters referred to in the next succeeding section.

4. The following subjects, namely,

(*a*) Our Palace and Our Royal Family and all matters connected therewith, including Sri Pandaravaka,

(*b*) Devaswoms, Hindu Religious Endowments and matters connected therewith,

shall be under Our exclusive control and supervision and shall not, in any respect, be within the scope or purview of the Council of Ministers or the Legislative Assembly.

Council of Ministers.

5. (1) There shall be a Council of Ministers with the Prime Minister at the head to aid and advise Us in the exercise of Our functions in relation to subjects other than those referred to in section 4.

(2) The advice tendered to Us by Our Ministers shall be confidential and no Minister shall be compelled to disclose it.

Provisions as to Ministers.

6. (1) The Prime Minister shall be appointed by Us and the other Ministers shall be appointed by Us on the advice of the Prime Minister.

(2) The Ministers shall hold office during Our pleasure.

(3) The Council shall be collectively responsible to the Legislative Assembly.

(4) Before a Minister enters upon his office Our Chief Justice shall administer to him the oath of office and of secrecy according to the form set out for the purpose in the Schedule to this Act.

(5) The salaries and allowances of Ministers shall be such as the Legislative Assembly may determine from time to time.

The receipt of such salary and allowances shall not disqualify a Minister from being chosen as and for being a member of the Representative Body notwithstanding anything contained in the Representative Body Electoral Rules.

Orders etc., made by the Government of Travancore.

7. (1) All executive action shall be taken in the name of Our Government and with Our sanction in such matters as We may by rule prescribe.

(2) All orders and other instruments of the executive authority of the Travancore State shall be expressed to be made or executed by the Government of Travancore and shall be authenticated as the Government may by rule direct.

(3) The validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the executive authority of the Travancore State.

Provision as to custody of public moneys.

8. Rules may be made by Our Government for the purpose of securing that all moneys received on account of the revenues of the State shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the State, and the rules so made may prescribe the procedure to be followed in respect of the payment of moneys into the State account, the withdrawal of moneys therefrom, the custody of moneys therein and any other matters connected with or ancillary to the matters aforesaid :

Provided that the rules relating to such moneys in force immediately before the commencement of this Act shall continue in force, except in so far as the same are altered by or under this Act.

Power to acquire property, borrow moneys, make contracts etc.

9. (1) The executive authority of the Travancore State shall extend, subject to the provisions of this Act and any law which is in force or may hereafter come into force, to the grant, sale, disposition, or mortgage of any public property, to the purchase or acquisition of property, to the making of contracts, and to borrowing upon the security of the revenues of the State for purposes of the Government of Travancore.

(2) All such contracts and all assurances of property made by Our Government shall be executed by such persons and in such manner as Our Government may direct or authorise.

(3) Any person making any such contract or assurance on behalf of Our Government shall not be personally liable in respect thereof.

Duties of Prime Minister as regards the furnishing of information.

10. It shall be the duty of the Prime Minister,—

(*a*) to communicate to Us all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation ;

(*b*) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as We may call for ; and

(*c*) to submit, if We so require, for the consideration of the Council of Ministers any matter on which a decision has

been taken by a Minister but which has not been considered by the Council.

11. We may by rules under this Act provide for the settlement of doubts or difficulties arising as to whether any matter does or does not relate to a subject not referred to in section 4 and for the treatment of matters which affect a subject falling under section 4 and also a subject not falling under it.

Provision in case of doubt.

PART II.

THE LEGISLATURE.

12. There shall be a Legislature for Travancore which shall consist of His Highness the Maharaja and a Legislative Assembly. The Representative Body elected under the provisions of the Proclamation dated the 19th Chingom 1123 shall be the Legislative Assembly during the period this Act is in force.

The Legislature.

13. (1) The President of the Representative Body shall be the President of the Legislative Assembly.

President and Deputy President.

(2) When a Deputy President is elected by the Representative Body in accordance with its rules of procedure he shall also be the Deputy President of the Legislative Assembly.

(3) There shall be paid to the President and the Deputy President of the Legislative Assembly such salaries or allowances as may be fixed by the Legislative Assembly:

Provided that no separate salaries or allowances shall be payable to them for discharging the duties as the President and Deputy President respectively of the Representative Body.

14. (1) The President of the Legislative Assembly may appoint such time and place for holding the session of the Legislative Assembly as he thinks fit, and may also, from time to time, prorogue such sessions.

Sessions of the Legislative Assembly.

(2) Any meeting of the Legislative Assembly may be adjourned by the person presiding.

(3) Unless otherwise provided by or under this Act all questions before the Legislative Assembly shall be determined by a majority of votes of the members present

including the presiding authority, who shall, in case of equality of votes, have a second or casting vote.

(4) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof.

(5) The Legislative Assembly shall hold at least one session in every six months.

Business and proceedings in the Legislative Assembly.

15. Provision may be made by rules framed by Our Government under this Act for regulating the course of business and the preservation of order in the Legislative Assembly and as to the persons to preside in the absence of the President and the Deputy President; and the rules may provide for the number of members required to constitute a quorum and prohibiting or regulating the asking of questions specified in the rules.

Standing Orders.

16. It shall be lawful for the Legislative Assembly to make from time to time Standing Orders for the conduct of business and the procedure to be followed in the Legislative Assembly in so far as these matters are not provided for by rules made under this Act. The first Standing Orders shall be made by Our Government, but may be altered by the Legislative Assembly.

Any Standing Order made as aforesaid which is repugnant to the provisions of any rules made under this Act, shall, to the extent of the repugnancy but not otherwise, be void.

Matters that shall not be considered by the Legislative Assembly.

17. It shall not be lawful for the Legislative Assembly to entertain any question or discuss any matter or deal with any resolution or enact any measure relating to or affecting the subjects referred to in Section 4.

Power of the Legislative Assembly.

18. Subject to the provisions of this Act the Legislative Assembly may make laws for the whole of Travancore or any part thereof and for Our subjects wherever they may be.

Questions and resolutions.

19. Subject to such restrictions and conditions as to subjects and other matters as may be imposed by Our Government by rules made under this Act, any member of the Legislative Assembly may,

(1) ask questions and supplementary questions, and

(2) move resolutions.

20. It shall not be lawful for any member of the Legislative Assembly to introduce without the previous sanction of Our Government, any measure,—

Sanction of Government necessary for certain measures.

(a) affecting the public revenues of the State or imposing any charge on such revenues; or

(b) affecting the religion or the religious rites and usages of any class of Our subjects.

21. We may, where a Bill has been passed by the Legislative Assembly, return the Bill for reconsideration by the Legislative Assembly specifying the matter or matters that We think require reconsideration.

Reconsideration of Bills.

22. When any Bill has been passed by the Legislative Assembly the Bill shall be submitted to Us for Our assent. No such Bill shall become law until We have declared Our assent thereto.

Assent of Maharaja necessary.

23. (1) The estimated annual expenditure and revenues of the State shall be laid in the form of a Statement, in this Act referred to as the "Annual Financial Statement", before the Legislative Assembly in each year, and the proposals of the Government for the appropriation of the revenues and other moneys in any year shall be submitted to the vote of the Legislative Assembly in the form of demands for grants. The Legislative Assembly may assent or refuse its assent to a demand or may reduce the amount therein referred to, either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Annual Financial Statement.

Provided that,—

(a) in regard to the subjects referred to in section 4, appropriation for expenditure shall be made as follows: for the Palace, such amount as We fix in accordance with the provision made therefor in Our Proclamation dated the 25th Karkadagom 1122; for Sri Pandaravaka, a fixed sum of one lakh of rupees; and for the Devaswoms and Hindu Religious Endowments and other connected expenses, the amounts fixed in the Devaswom Proclamation 1121 as amended by Our Proclamation dated the 10th Meenam 1123.

(*b*) We may in cases of emergency authorise such expenditure as may, in Our opinion, be necessary for the safety or tranquillity of the State or any part thereof or for the carrying on of any department;

(*c*) no proposal for the appropriation of any such revenues or other moneys for any purpose shall be made except on the recommendation of Our Government communicated to the Legislative Assembly;

(*d*) no proposal for imposing or increasing any tax or for regulating the borrowing of money or for amending the law with respect to any financial obligations of the State shall be made except on the recommendation of Our Government communicated to the Legislative Assembly.

Explanation. A proposal shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for fines or other pecuniary penalties or for the payment of fees for licenses or fees for services rendered.

(2) The proposals of Our Government for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly nor shall they be open to discussion by the Legislative Assembly at the time when the Budget is under consideration:

(*a*) Appropriations made under proviso (*a*) to the preceding sub-section.

(*b*) Expenditure authorised under proviso (*b*) to the preceding sub-section;

(*c*) Expenditure which is obligatory under any law;

(*d*) Pensions and gratuities granted by Us or with Our sanction or under the rules of Our Government;

(*e*) Interest on loans and sinking fund charges;

(*f*) Expenditure classified by Our Government as political expenditure.

If any question arises whether any proposed appropriation of revenues or moneys does or does not relate to the above heads of expenditure Our decision shall be final.

Authentication of schedule of authorised expenditure.

24. (1) The Minister in charge of Finance shall authenticate by his signature a schedule specifying,—

(*a*) the grant made by the Legislative Assembly under sub-section (1) of the last preceding section;

(*b*) the several sums relating to the items mentioned in sub-section (2) of the last preceding section.

(2) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the State shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supplementary statement of expenditure.

25. If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure theretofore authorised for that year, Our Government shall lay before the Legislative Assembly a supplementary statement showing the estimated amount of that expenditure and the provisions of this Act relating to the Annual Financial Statement shall apply to such supplementary statement:

Provided that where We authorise any expenditure under proviso (*b*) to sub-section (1) or relating to the heads of expenditure mentioned in sub-section (2) of Section 23 of this Act over and above the expenditure theretofore authorised for that year, the Minister in charge of Finance shall authenticate by his signature a schedule specifying the several sums so authorised and the expenditure of such sums from the revenues of the State shall thereupon be deemed to be duly authorised.

Freedom of speech.

26. Subject to the provisions of this Act and to the Rules and Standing Orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly and no member shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislative Assembly or any Committee thereof, and no person shall be liable in respect of the publication by or under the authority of the Legislative Assembly of any report, paper, notes or proceedings.

Freedom from arrest

27. Every member of the Legislative Assembly, except when he is charged with a criminal offence, shall be privileged from arrest in going to and returning from and while within the precincts of the Chamber of the Legislative Assembly.

Allowance of members.

28. Members of the Legislative Assembly shall be entitled to receive such allowances as may from time to time be determined by the Legislative Assembly.

PART III.

SUPPLEMENTAL.

Emergent Act.

29. Notwithstanding anything contained in this Act, in cases arising in respect of subjects, other than those referred to in section 4, where immediate legislation is required, and the Assembly is not in session, Our Ministers may make and submit to Us any Bill; and every such Bill on being assented to by Us, shall have the force of law for the space of six months from the date of its promulgation in Our Government Gazette.

Provisions in case of failure of constitutional machinery.

30. (1) If at any time We are satisfied that a situation has arisen in which the Government cannot be carried on in accordance with the provisions of this Act, We may, by Proclamation.—

(*a*) declare that the Government shall, to such extent as may be specified in the Proclamation, be exercised by Us in Our discretion, and

(*b*) assume to Ourselves all or any of the powers vested in or exercisable by the Legislative Assembly or by any authority; and any such Proclamation may contain such incidental and consequential provisions as may appear to Us to be necessary or desirable for giving effect to the objects of the Proclamation including provisions for suspending in whole or in part the operation of any provisions of this Act relating to the Legislative Assembly or any authority.

(2) To assist Us in the exercise of the functions of Government assumed under sub-section (1) We may appoint a Council of Advisers whose salaries and conditions of service shall be determined by Us.

(3) We shall withdraw such Proclamation as soon as We are satisfied that the situation which necessitated the issue thereof has ceased to exist.

Provision as to rules.

31. Our Government may make rules for the purpose of this Act which may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to the provisions of this Act or to supply any lacuna therein.

32. Nothing contained in the Travancore Constitution Act of 1122 shall be deemed to affect in any manner the provisions of this Act.

This Act not affected by the provisions of the Travancore Constitution Act of 1122.

33. (1) Subject to the provisions of this Act all the laws in force in Travancore immediately before the commencement of this Act shall continue to be in force except in so far as the same are altered by competent authority.

Continuance of existing laws.

(2) The powers exercisable by the Dewan under any law or statute in force, in so far as they relate to subjects, other than those referred to in section 4, shall vest in and shall be exercisable by the Minister in charge of the department concerned.

34. Nothing contained in this Act or in any other Act or Proclamation shall affect or be deemed to have affected Our Prerogative and inherent Sovereign rights and Our right to legislate as to the subjects referred to in section 4.

The prerogative rights and inherent powers of the Sovereign.

[illegible]

OATH OF OFFICE AND SECRECY.

I, A. B. do solemnly swear (or affirm) that I will faithfully and conscientiously discharge my duties as a Minister for the State of Travancore to the best of my ability and judgment, and that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as such Minister, except as may be required for the due discharge of my duties.

SIGN MANUAL.